



IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

APPLICANTS: Nicholas J. Rush, Jason M. Kapalka, and Sukhbir S. Sidhu  
SERIAL NO.: 09/715,385  
FILING DATE: November 16, 2000  
TITLE: Positive-Return Gambling  
ATTY. DKT. NO.: 4862

RECEIVED  
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OFFICE OF PETITIONS

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.			
Signature:			
Typed or Printed Name:	Amir H. Raubvogel	Dated:	July 20, 2001
Express Mail Mailing Number (optional):			

COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

PETITION FOR FILING ON BEHALF OF OMITTED INVENTORS  
UNDER 37 C.F.R. SECTION 1.47(a)

Dear Sir:

One of the named co-inventors, Nicholas J. Rush, hereby petitions the Commissioner to accept the filing of the above-referenced U.S. patent application by him, as a joint inventor of the invention disclosed and claimed in the patent application, on behalf of, and as agent for, the omitted inventors, Jason M. Kapalka and Sukhbir S. Sidhu.

The complete names, last known addresses, and citizenships of the omitted inventors are:

Jason M. Kapalka  
526 Shrader Street  
San Francisco, CA 94117  
Citizen of Canada

Sukhbir S. Sidhu  
320 North Civic Drive, #313  
Walnut Creek, CA 94596  
Citizen of United Kingdom

Two DECLARATIONS OF FACTS IN SUPPORT OF FILING ON BEHALF OF OMITTED INVENTORS UNDER 37 C.F.R. § 1.47(a) (hereinafter "DECLARATIONS OF FACTS") - one by Reuben L. Nocos and one by Amir H. Raubvogel - are enclosed to provide proof of the pertinent facts concerning the diligent effort to reach and find the omitted inventors to join in the above-referenced patent application. The DECLARATIONS OF FACTS also establish the named co-inventor, Nicholas J. Rush, as a joint inventor in the subject matter of the above-referenced patent application. Therefore, the above-named co-inventor, Nicholas J. Rush, is entitled to file the above-referenced patent application on behalf of the omitted inventors, Jason M. Kapalka and Sukhbir S. Sidhu. The enclosed EXHIBITS are provided to support statements made in the enclosed DECLARATION OF FACTS.

As stated in the enclosed DECLARATIONS OF FACTS, Nicholas J. Rush is a joint inventor of the subject matter of the above-referenced patent application

along with Jason M. Kapalka and Sukhbir S. Sidhu. Mr. Kapalka and Mr. Sidhu cannot be reached or found to sign a timely DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION after a diligent effort to obtain their signatures. Therefore, Nicholas J. Rush, as joint inventor, makes this application on behalf of, and as agent for, the omitted inventors, Jason M. Kapalka and Sukhbir S. Sidhu, pursuant to 37 C.F.R. section 1.47(a).

Also enclosed herewith is a DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION that was signed by the joint inventor, Nicholas J. Rush, on his own behalf, on May 31, 2001 for the above-referenced U.S. patent application.

A POWER OF ATTORNEY OR AUTHORIZATION OF AGENT signed by the joint inventor, Nicholas J. Rush, on his own behalf, is also enclosed.

The required fee of \$130 pursuant to 37 C.F.R. section 1.17(i) is also enclosed.

This petition is being filed along with a RESPONSE TO NOTICE TO FILE  
MISSING PARTS OF NONPROVISIONAL APPLICATION in response to a  
NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION  
dated February 27, 2001.

Respectfully submitted,  
NICHOLAS J. RUSH, et al.

Dated: JUL 20/01


By:   
Amir H. Raubvogel, Reg. No.: 37,070  
Fenwick & West LLP  
Two Palo Alto Square  
Palo Alto, CA 94306  
Tel.: (650) 858-7276  
Fax.: (650) 494-1417



#5

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

APPLICANTS: Nicholas J. Rush, Jason M. Kapalka, and Sukhbir S. Sidhu  
SERIAL NO.: 09/715,385  
FILING DATE: November 16, 2000  
TITLE: Positive-Return Gambling  
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Signature:			
Typed or Printed Name:	Amir H. Raubvogel	Dated:	JUL 20/01
Express Mail Mailing Number (optional):			

COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

**DECLARATION BY REUBEN L. NOCOS OF FACTS IN SUPPORT OF  
FILING ON BEHALF OF  
OMITTED INVENTOR UNDER 37 C.F.R. SECTION 1.47(a)**

Dear Sir:

This Declaration of Facts is made as to the facts that are relied upon to establish diligent effort to secure the execution of the DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION by the omitted inventors, Jason M. Kapalka and Sukhbir S. Sidhu (hereinafter "Mr. Kapalka" and "Mr. Sidhu,"

respectively), for the above-referenced patent application after deposit in the U.S. Patent and Trademark Office.

This Declaration of Facts is being made by an available person having first-hand knowledge of the facts recited therein.

I, Reuben L. Nocos, being employed by Electronic Arts Inc., a Delaware corporation having a place of business at 209 Redwood Shores Parkway, Redwood City, CA 94065 (hereinafter "Electronic Arts"), hereby declare that:

1. I am a Legal Administrative Assistant for Electronic Arts.
2. It is my information and belief that Jason M. Kapalka and Sukhbir S. Sidhu are joint inventors of the subject matter claimed in the above-referenced patent application.
3. It is my information and belief that Mr. Kapalka and Mr. Sidhu were employed at Pogo.com when they co-invented the subject matter claimed in the above-referenced patent application, and were obligated to assign the subject matter of the above-referenced patent application to Pogo.com, Inc., (hereinafter "Pogo.com"), a Delaware corporation, having a place of business at 300 California Street, 8<sup>th</sup> floor, San Francisco, CA 94104. Pogo.com is entitled to assignment of all inventor rights and interests involving the above-referenced patent application. It is my information and belief that Pogo.com has been acquired by EA.com.

4. It is my information and belief that Mr. Kapalka's last known home address was 526 Shrader Street, San Francisco, CA 94117, and that Mr. Sidhu's last known home address was 320 North Civic Drive, #313, Walnut Creek, CA 94596.

5. On November 16, 2000, the above-referenced patent application, including a specification with drawings and claims and an abstract, was filed in the U.S. Patent and Trademark Office.

6. On February 27, 2001, a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION was mailed by the U.S. Patent and Trademark Office for the above-referenced patent application.

7. On June 18, 2001, I attempted to contact Mr. Kapalka by e-mail to Jason@popcap.com in order to request that Mr. Kapalka execute documents associated with the above-referenced patent application. No reply was received.

8. On May 7, 2001, I attempted to contact Mr. Sidhu by telephone in order to request that Mr. Sidhu execute documents associated with the above-referenced patent application. I left a message on an answering machine. No reply was received. I left a second message on Mr. Sidhu's machine at a later date, and received no reply.

9. On May 24, 2001, I mailed via a Federal Express package (with Label No. 823071415330) to Mr. Sidhu at his last known home address a DECLARATION form, a POWER OF ATTORNEY form, and an ASSIGNMENT

form, along with an enclosed cover letter requesting that Mr. Sidhu review, sign and date the forms. When the package was mailed to Mr. Sidhu, he was no longer employed with Pogo.com, nor was he employed at EA.com. According to tracking information available from Federal Express, the package was received and signed for by Mr. Sidhu at 11:34 a.m. on May 25, 2001. Copies of the forms and a printout of the proof of delivery for the Federal Express package (including Mr. Sidhu's signature indicating receipt of the package) are attached as EXHIBIT A.

10. On June 11, 2001, I telephoned Mr. Sidhu to inquire as to the status of the forms. Mr. Sidhu told me that he had not yet reviewed the forms and would call me as soon as he had reviewed them.

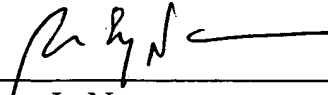
11. As of July 19, 2001, I have not yet received a signed copy of the forms from Mr. Sidhu, nor have I received any reply from him.

I hereby declare that all statements made herein to the best of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.



Respectfully submitted,

Dated: 07-19-01

By:   
Reuben L. Nocos  
Electronic Arts Inc.  
209 Redwood Shores Parkway  
Redwood City, CA 94065



May 24, 2001

**Via Federal Express**

Mr. Sukhbir Sidhu  
320 North Civic Drive  
Apt. 313  
Walnut Creek, CA 94596

**RE: Positive-Return Gambling Patent Application**

Dear Sukhbir:


My name is Reuben Nocos and I work in the EA Legal Department in Redwood Shores. Since you are one of the inventors of the *Positive-Return Gambling*, it is very important that you review the enclosed packet for the above patent application. Please read through the packet of forms and sign where indicated. Upon signing, please return the packet using the pre-paid Federal Express packet also enclosed with this letter.

Please note that you must sign the last set of forms (the Assignment) in the presence of a notary public. We will gladly reimburse you for the notarization costs when you submit your receipt.

Feel free to call me at (650) 628-7838 if you have any questions. You may also reach me via email at [rnocos@ea.com](mailto:rnocos@ea.com).

Thank you for your attention to this matter.

Very truly yours,

  
Reuben L. Nocos  
Legal Administrative Assistant

Enclosures

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN  
APPLICATION DATA SHEET (37 CFR 1.76)**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or  
☒ Application No. 09/715,385, filed on November 16, 2000,  
☐ as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**

Inventor one: Nicholas J. Rush Citizen of: USA

Signature:  Date: 5/31/01

Inventor two: Jason M. Kapalka Citizen of: Canada

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Inventor three: Sukhbir S. Sidhu Citizen of: United Kingdom

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Inventor four: \_\_\_\_\_ Citizen of: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

☐ Additional inventors are being named on \_\_\_\_\_ additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box →

+

PTO/SB/81 (10-00)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it display a valid OMB control number.

## POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	09/715,385
Filing Date	November 16, 2000
First Named Inventor	Nicholas J. Rush
Group Art Unit	3711
Examiner Name	Not yet known
Attorney Docket Number	4862

I hereby appoint:



Practitioners at Customer Number

00758



OR



Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:



The above-mentioned Customer Number.

OR



Firm or  
Individual Name

Address

Address

City

State

Zip

Country

Telephone

Fax

I am the:



Applicant/Inventor.



Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

### SIGNATURE of Applicant or Assignee of Record

Name

Nicholas J. Rush

Signature

Date

5/31/01

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of three forms are submitted.

ASSIGNMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, the person(s) named below (referred to as "INVENTOR" whether singular or plural) has sold, assigned, and transferred and does hereby sell, assign, and transfer to Pogo.com, Inc., a corporation of Delaware, having a place of business at 300 California Street, 8<sup>th</sup> Floor, San Francisco, CA 94104 ("ASSIGNEE"), for itself and its successors, transferees, and assignees, the following:

1. The entire worldwide right, title, and interest in all inventions and improvements ("SUBJECT MATTER") that are disclosed in the application for United States Letters Patent entitled: **POSITIVE-RETURN GAMBLING** ("APPLICATION"), which:

☐ is to be filed herewith

☒ was filed on November 16, 2000, now bearing U.S. serial number 09/715,385 and for which a Declaration was executed by INVENTOR on the date(s) below; and

2. The entire worldwide right, title, and interest in and to:  
(a) the APPLICATION, including any right of priority; (b) any divisional, continuation, substitute, renewal, reissue, and other related applications thereto which have been or may be filed in the United States or elsewhere in the world; and (c) any patents which may be granted on the applications set forth in (a) and (b) above.

INVENTOR agrees that ASSIGNEE may apply for and receive patents for SUBJECT MATTER in ASSIGNEE's own name.

INVENTOR agrees to do the following, when requested, and without further consideration, in order to carry out the intent of this Assignment: (1) execute all oaths, assignments, powers of attorney, applications, and other papers necessary or desirable to fully secure to ASSIGNEE the rights, titles and interests herein conveyed; (2) communicate to ASSIGNEE all known facts relating to the SUBJECT MATTER; and (3) generally do all lawful acts that ASSIGNEE shall consider desirable for securing, maintaining, and enforcing worldwide patent protection relating to the SUBJECT MATTER and for vesting in ASSIGNEE the rights, titles, and interests herein conveyed. INVENTOR further agrees to provide any successor, assign, or legal representative of ASSIGNEE with the benefits and assistance provided to ASSIGNEE hereunder.

INVENTOR represents that INVENTOR has the rights, titles, and interests to convey as set forth herein, and covenants with ASSIGNEE that the INVENTOR has made or will make hereafter no assignment, grant, mortgage, license, or other agreement affecting the rights, titles, and interests herein conveyed.

INVENTOR grants the attorney of record the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Title of Document: ASSIGNMENT

Re:  
 Title: Positive-Return Gambling  
 Filed: (if applicable) November 16, 2000  
 Serial No.: (if applicable) 09/715,385

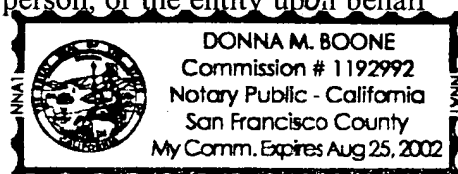
This Assignment may be executed in one or more counterparts, each of which shall be deemed an original and all of which may be taken together as one and the same Assignment.

Name and Signature	Date of Signature	Date Declaration Executed By This Person
<u>Nicholas J. Rush</u>	<u>6/4/01</u>	

State of CALIFORNIA  
 County of SAN FRANCISCO

On JUNE 4, 2001 before me, DONNA M. BOONE, Notary Public personally appeared Nicholas J. Rush ~~personally known to me or~~ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that ~~he/she~~ executed the same in his/~~her~~ authorized capacity, and that by ~~his/her~~ signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Donna M. Boone



Name and Signature	Date of Signature	Date Declaration Executed By This Person
<u>Jason M. Kapalka</u>		

State of \_\_\_\_\_  
 County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_ personally appeared Jason M. Kapalka personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Exhibit A 5 of 7

Title of Document: ASSIGNMENT

Re:

Title: Positive-Return Gambling

Filed: (if applicable) November 16, 2000

Serial No.: (if applicable) 09/715,385

Name and Signature	Date of Signature	Date Declaration Executed By This Person
--------------------	-------------------	---

Sukhbir S. Sidhu		
------------------	--	--

State of \_\_\_\_\_

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_  
personally appeared Sukhbir S. Sidhu personally known to me or proved to me on the  
basis of satisfactory evidence to be the person whose name is subscribed to the within  
instrument and acknowledged to me that he/she executed the same in his/her authorized  
capacity, and that by his/her signature on the instrument the person, or the entity upon behalf  
of which the person acted, executed the instrument.

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May 31, 2001

IVRTRACK  
(650) 628-1422

Dear IVRTRACK:

Our records reflect the following delivery information for the shipment with the tracking number 823071415330.

Delivery Information:

Signed For By: S.SIDHU

A handwritten signature in black ink, appearing to read "S. Sidhu", enclosed within a rectangular box.

Delivered to: 320 NCIVIC

Delivery Date: May 25, 2001

Delivery Time: 11:34 AM

Shipping Information:

Shipment Reference Information: 4510

Tracking No: 823071415330

Ship Date: May 24, 2001

Shipper: REABEN L NOCOS  
ELECTRONIC ARTS  
209 REDWOOD SHORES  
PKWY  
REDWOOD CITY, CA  
940651175

Recipient: MR SUKHBIR SIDHN  
320 NORTH GLUE DR APT  
313  
WALNUT CREEK, CA 94596  
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IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

APPLICANTS: Nicholas J. Rush, Jason M. Kapalka, and Sukhbir S. Sidhu  
SERIAL NO.: 09/715,385  
FILING DATE: November 16, 2000  
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ATTY. DKT. NO.: 4862

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Signature:			
Typed or Printed Name:	Amir H. Raubvogel	Dated:	JUL 20/01
Express Mail Mailing Number (optional):			

COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

DECLARATION BY AMIR H. RAUBVOGEL OF FACTS IN SUPPORT OF  
FILING ON BEHALF OF  
OMITTED INVENTORS UNDER 37 C.F.R. SECTION 1.47(a)

Dear Sir:

This Declaration of Facts is made as to the facts that are relied upon to establish diligent effort to secure the execution of the DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION by the omitted inventors, Jason M. Kapalka and Sukhbir S. Sidhu (hereinafter "Mr. Kapalka" and "Mr. Sidhu,"

respectively), for the above-referenced patent application after deposit in the U.S. Patent and Trademark Office.

This Declaration of Facts is being made by an available person having first-hand knowledge of the facts recited therein.

I, Amir H. Raubvogel, being employed by Fenwick & West LLP and having a business address at Two Palo Alto Square, Palo Alto, California, hereby declare that:

1. I am a patent attorney licensed to practice before the U.S. Patent and Trademark Office (Reg. No. 37,070).

2. I am an attorney of record in the prosecution of the above-referenced patent application for Pogo.com, Inc., (hereinafter "Pogo.com"), a Delaware corporation, having a place of business at 300 California Street, 8<sup>th</sup> floor, San Francisco, CA 94104. Pogo.com is entitled to assignment of all inventor rights and interests involving the above-referenced patent application. It is my information and belief that Pogo.com has been acquired by EA.com Inc., a Delaware corporation, having a place of business at 209 Redwood Shores Parkway, Redwood City, CA 94065 (hereinafter "EA.com").

2. It is my information and belief that Jason M. Kapalka and Sukhbir S. Sidhu are joint inventors of the subject matter claimed in the above-referenced patent application. It is my information and belief that Nicholas J. Rush is also a joint inventor of the subject matter claimed in the above-referenced patent application.

3. It is my information and belief that Mr. Kapalka and Mr. Sidhu were employed at Pogo.com when they co-invented the subject matter claimed in the above-referenced patent application, and were obligated to assign the subject matter of the above-referenced patent application to Pogo.com.

4. It is my information and belief that Mr. Kapalka's last known home address was 526 Shrader Street, San Francisco, CA 94117, and that Mr. Sidhu's last known home address was 320 North Civic Drive, #313, Walnut Creek, CA 94596.

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6. On February 27, 2001, a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION was mailed by the U.S. Patent and Trademark Office for the above-referenced patent application.

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8. On July 5, 2001, I mailed via a Federal Express package (with Label No. 814707026079) to Mr. Kapalka at his last known home address a DECLARATION form, a POWER OF ATTORNEY form, and an ASSIGNMENT form, along with an enclosed cover letter requesting that Mr. Kapalka review,

sign and date the forms. The cover letter also included a deadline for returning the forms by July 19, 2001. In addition, the package included a pre-paid Federal Express return envelope for returning the signed forms to Fenwick & West LLP, Two Palo Alto Square, Palo Alto, California 94306. When the package was mailed to Mr. Kapalka, he was no longer employed with Pogo.com, nor was he employed at EA.com. According to tracking information available from Federal Express, the package was received and signed for by Mr. Kapalka at 11:32 a.m. on July 6, 2001. Copies of the forms, the cover letter, and a printout of the proof of delivery for the Federal Express package are attached as EXHIBIT B.

9. As of July 20, 2001, I have not yet received a signed copy of the forms from Mr. Kapalka, nor have I received any reply from him.

10. On May 7, 2001, Reuben Nocos attempted to contact Mr. Sidhu by telephone in order to request that Mr. Sidhu execute documents associated with the above-referenced patent application. Mr. Nocos left a message on an answering machine. No reply was received. Mr. Nocos left a second message on Mr. Sidhu's machine at a later date, and received no reply.

11. On May 24, 2001, Mr. Nocos mailed via a Federal Express package (with Label No. 823071415330) to Mr. Sidhu at his last known home address a DECLARATION form, a POWER OF ATTORNEY form, and an ASSIGNMENT form, along with an enclosed cover letter requesting that Mr. Sidhu review, sign and date the forms. When the package was mailed to Mr. Sidhu, he was no longer employed with Pogo.com, nor was he employed at EA.com. According to

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12. On June 11, 2001, Mr. Nocos telephoned Mr. Sidhu to inquire as to the status of the forms. Mr. Sidhu told Mr. Nocos that he had not yet reviewed the forms and would call Mr. Nocos as soon as he had reviewed them.


13. On July 5, 2001, I mailed via a Federal Express package (with Label No. 814707026002) to Mr. Sidhu at his last known home address a DECLARATION form, a POWER OF ATTORNEY form, and an ASSIGNMENT form, along with an enclosed cover letter requesting that Mr. Sidhu review, sign and date the forms. The cover letter also included a deadline for returning the forms by July 19, 2001. In addition, the package included a pre-paid Federal Express return envelope for returning the contents of the package to Fenwick & West LLP, Two Palo Alto Square, Palo Alto, California 94306. When the package was mailed to Mr. Sidhu, he was no longer employed with Pogo.com, nor was he employed at EA.com. According to tracking information available from Federal Express, the package was received and signed for by Mr. Sidhu at 10:12 a.m. on July 6, 2001. Copies of the forms, the cover letter, and a printout of the proof of delivery for the Federal Express package (including Mr. Sidhu's signature indicating receipt of the package) are attached as EXHIBIT C.

14. As of July 20, 2001, I have not yet received a signed copy of the forms from Mr. Sidhu, nor have I received any reply from him.

I hereby declare that all statements made herein to the best of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Dated: Jul 20/01

By:   
Amir H. Raubvogel, Reg. No.: 37,070  
Fenwick & West LLP  
Two Palo Alto Square  
Palo Alto, CA 94306  
Tel.: (650) 858-7276  
Fax.: (650) 494-1417



**FENWICK & WEST LLP**

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July 5, 2001

AMIR H. RAUBVOGEL

ARAUBVOGEL@FENWICK.COM  
DIRECT DIAL 650.858.7276  
FAX 650.494.1417

**VIA FEDERAL EXPRESS**

Jason M. Kapalka  
526 Shrader Street  
San Francisco, CA 94117

RE: U.S. Patent Application Serial No. 09/715,385  
Filed: November 16, 2000  
Title: POSITIVE-RETURN GAMBLING  
Inventors: Nicholas J. Rush, Jason M. Kapalka  
and Sukhbir S. Sidhu  
Our Ref.: Case 4862 (19615-04862)

Dear Jason:

We have received the Notice to File Missing Parts for the above-referenced application for which you are a named inventor.

In order to respond to the Notice to File Missing Parts, we must submit an executed Declaration. An Assignment is also enclosed for execution. Accordingly, please execute the enclosed documents in the order listed below:

**DECLARATION**: Please perform the following steps in the following order to execute this document:

1. Review the enclosed application.
2. Review the Declaration.
3. If all is in order, sign and date the Declaration where indicated.

**POWER OF ATTORNEY**: Please perform the following steps in the following order to execute this document:

1. Review the Power of Attorney.
2. If all is in order, sign and date the Power of Attorney where indicated.

**ASSIGNMENT**: **AFTER** the Declaration **AND** the Power of Attorney have been signed, please perform the following steps in the following order to execute this document:

1. Review the Assignment document.
2. If all is in order, sign and date the document under "Date of Signature."  
It is preferable, although not necessary, to execute the Assignment in the presence of a notary public.
3. Fill in the date you executed the Declaration under "Date Declaration Executed By This Person" where indicated. **You should sign the**

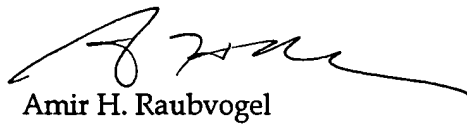
Jason M. Kapalka  
July 5, 2001  
Page 2

**Assignment only after signing the Declaration and the Power of Attorney.**

Please send the executed documents back to me prior to July 19, 2001, using the enclosed Federal Express envelope.

Please contact me if you have any questions regarding this matter. My contact information is noted above.

Sincerely,  
FENWICK & WEST LLP



Amir H. Raubvogel

AHR/clm  
Enclosures  
cc: JoAnn Covington



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN  
APPLICATION DATA SHEET (37 CFR 1.76)**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 09/715,385, filed on November 16, 2000,
- ☐ as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**Inventor one: Nicholas J. Rush Citizen of: USA

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Inventor two: Jason M. Kapalka Citizen of: Canada

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Inventor three: Sukhbir S. Sidhu Citizen of: United Kingdom

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Inventor four: \_\_\_\_\_ Citizen of: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

☐ Additional inventors are being named on \_\_\_\_\_ additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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## POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	09/715,385
Filing Date	November 16, 2000
First Named Inventor	Nicholas J. Rush
Group Art Unit	3711
Examiner Name	Not yet known
Attorney Docket Number	4862

I hereby appoint:



Practitioners at Customer Number

00758



OR



Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

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OR

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Individual Name

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City

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Zip

Country

Telephone

Fax

I am the:



Applicant/Inventor.



Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

### SIGNATURE of Applicant or Assignee of Record

Name Jason M. Kapalka

Signature

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of three forms are submitted.

ASSIGNMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, the person(s) named below (referred to as "INVENTOR" whether singular or plural) has sold, assigned, and transferred and does hereby sell, assign, and transfer to EA.com Inc., a corporation of Delaware, having a place of business at 209 Redwood Shores Parkway, Redwood City, CA 94065 ("ASSIGNEE"), for itself and its successors, transferees, and assignees, the following:

1. The entire worldwide right, title, and interest in all inventions and improvements ("SUBJECT MATTER") that are disclosed in the application for United States Letters Patent entitled: **POSITIVE-RETURN GAMBLING** ("APPLICATION"), which:

☐ is to be filed herewith

☒ was filed on November 16, 2000, now bearing U.S. serial number 09/715,385 and for which a Declaration was executed by INVENTOR on the date(s) below; and

2. The entire worldwide right, title, and interest in and to:  
(a) the APPLICATION, including any right of priority; (b) any divisional, continuation, substitute, renewal, reissue, and other related applications thereto which have been or may be filed in the United States or elsewhere in the world; and (c) any patents which may be granted on the applications set forth in (a) and (b) above.

INVENTOR agrees that ASSIGNEE may apply for and receive patents for SUBJECT MATTER in ASSIGNEE's own name.

INVENTOR agrees to do the following, when requested, and without further consideration, in order to carry out the intent of this Assignment: (1) execute all oaths, assignments, powers of attorney, applications, and other papers necessary or desirable to fully secure to ASSIGNEE the rights, titles and interests herein conveyed; (2) communicate to ASSIGNEE all known facts relating to the SUBJECT MATTER; and (3) generally do all lawful acts that ASSIGNEE shall consider desirable for securing, maintaining, and enforcing worldwide patent protection relating to the SUBJECT MATTER and for vesting in ASSIGNEE the rights, titles, and interests herein conveyed. INVENTOR further agrees to provide any successor, assign, or legal representative of ASSIGNEE with the benefits and assistance provided to ASSIGNEE hereunder.

INVENTOR represents that INVENTOR has the rights, titles, and interests to convey as set forth herein, and covenants with ASSIGNEE that the INVENTOR has made or will make hereafter no assignment, grant, mortgage, license, or other agreement affecting the rights, titles, and interests herein conveyed.

INVENTOR grants the attorney of record the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Title of Document: ASSIGNMENT

Re:

Title: Positive-Return Gambling

Filed: (if applicable) November 16, 2000

Serial No.: (if applicable) 09/715,385

This Assignment may be executed in one or more counterparts, each of which shall be deemed an original and all of which may be taken together as one and the same Assignment.

Name and Signature	Date of Signature	Date Declaration Executed By This Person
--------------------	-------------------	---

Nicholas J. Rush

State of \_\_\_\_\_

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_ personally appeared Nicholas J. Rush personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Name and Signature	Date of Signature	Date Declaration Executed By This Person
--------------------	-------------------	---

Jason M. Kapalka

State of \_\_\_\_\_

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_ personally appeared Jason M. Kapalka personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Title of Document: ASSIGNMENT

Re:

Title: Positive-Return Gambling

Filed: (if applicable) November 16, 2000

Serial No.: (if applicable) 09/715,385

Name and Signature	Date of Signature	Date Declaration Executed By This Person
Sukhbir S. Sidhu		

State of \_\_\_\_\_  
County of \_\_\_\_\_



On \_\_\_\_\_ before me, \_\_\_\_\_  
personally appeared Sukhbir S. Sidhu personally known to me or proved to me on the  
basis of satisfactory evidence to be the person whose name is subscribed to the within  
instrument and acknowledged to me that he/she executed the same in his/her authorized  
capacity, and that by his/her signature on the instrument the person, or the entity upon behalf  
of which the person acted, executed the instrument.

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July 5, 2001

AMIR H. RAUBVOGEL

ARAUBVOGEL@FENWICK.COM  
DIRECT DIAL 650.858.7276  
FAX 650.494.1417

**VIA FEDERAL EXPRESS**

Sukhbir S. Sidhu  
320 North Civic Drive, #313  
Walnut Creek, CA 94596

RE: U.S. Patent Application Serial No. 09/715,385  
Filed: November 16, 2000  
Title: POSITIVE-RETURN GAMBLING  
Inventors: Nicholas J. Rush, Jason M. Kapalka  
and Sukhbir S. Sidhu  
Our Ref.: Case 4862 (19615-04862)

Dear Sukhbir:

We have received the Notice to File Missing Parts for the above-referenced application for which you are a named inventor.

In order to respond to the Notice to File Missing Parts, we must submit an executed Declaration. An Assignment is also enclosed for execution. Accordingly, please execute the enclosed documents in the order listed below:

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Sukhbir S. Sidhu  
July 5, 2001  
Page 2

**Assignment only after signing the Declaration and the Power of Attorney.**

Please send the executed documents back to me prior to July 19, 2001, using the enclosed Federal Express envelope.

Please contact me if you have any questions regarding this matter. My contact information is noted above.

Sincerely,  
FENWICK & WEST LLP



Amir H. Raubvogel

AHR/clm  
Enclosures  
cc: JoAnn Covington



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# DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or  
☒ Application No. 09/715,385, filed on November 16, 2000,  
☐ as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

## FULL NAME OF INVENTOR(S)

Inventor one: Nicholas J. Rush Citizen of: USA

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Inventor two: Jason M. Kapalka Citizen of: Canada

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Inventor three: Sukhbir S. Sidhu Citizen of: United Kingdom

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Inventor four: \_\_\_\_\_ Citizen of: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

☐ Additional inventors are being named on \_\_\_\_\_ additional form(s) attached hereto.

**Burden Hour Statement:** This collection of information is required by 35 U.S.C. and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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PTO/SB/81 (10-00)

Approved for use through 10/31/2002. OMB 0651-0035

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## POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	09/715,385
Filing Date	November 16, 2000
First Named Inventor	Nicholas J. Rush
Group Art Unit	3711
Examiner Name	Not yet known
Attorney Docket Number	4862

I hereby appoint:



Practitioners at Customer Number

00758



Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:



The above-mentioned Customer Number.

OR



Firm or  
Individual Name

Address

Address

City

State

Zip

Country

Telephone

Fax

I am the:



Applicant/Inventor.



Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

### SIGNATURE of Applicant or Assignee of Record

Name

Sukhbir S. Sidhu

Signature

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of three forms are submitted.

ASSIGNMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, the person(s) named below (referred to as "INVENTOR" whether singular or plural) has sold, assigned, and transferred and does hereby sell, assign, and transfer to EA.com Inc., a corporation of Delaware, having a place of business at 209 Redwood Shores Parkway, Redwood City, CA 94065 ("ASSIGNEE"), for itself and its successors, transferees, and assignees, the following:

1. The entire worldwide right, title, and interest in all inventions and improvements ("SUBJECT MATTER") that are disclosed in the application for United States Letters Patent entitled: **POSITIVE-RETURN GAMBLING** ("APPLICATION"), which:

☐ is to be filed herewith

☒ was filed on November 16, 2000, now bearing U.S. serial number 09/715,385 and for which a Declaration was executed by INVENTOR on the date(s) below; and

2. The entire worldwide right, title, and interest in and to:  
(a) the APPLICATION, including any right of priority; (b) any divisional, continuation, substitute, renewal, reissue, and other related applications thereto which have been or may be filed in the United States or elsewhere in the world; and (c) any patents which may be granted on the applications set forth in (a) and (b) above.

INVENTOR agrees that ASSIGNEE may apply for and receive patents for SUBJECT MATTER in ASSIGNEE's own name.

INVENTOR agrees to do the following, when requested, and without further consideration, in order to carry out the intent of this Assignment: (1) execute all oaths, assignments, powers of attorney, applications, and other papers necessary or desirable to fully secure to ASSIGNEE the rights, titles and interests herein conveyed; (2) communicate to ASSIGNEE all known facts relating to the SUBJECT MATTER; and (3) generally do all lawful acts that ASSIGNEE shall consider desirable for securing, maintaining, and enforcing worldwide patent protection relating to the SUBJECT MATTER and for vesting in ASSIGNEE the rights, titles, and interests herein conveyed. INVENTOR further agrees to provide any successor, assign, or legal representative of ASSIGNEE with the benefits and assistance provided to ASSIGNEE hereunder.

INVENTOR represents that INVENTOR has the rights, titles, and interests to convey as set forth herein, and covenants with ASSIGNEE that the INVENTOR has made or will make hereafter no assignment, grant, mortgage, license, or other agreement affecting the rights, titles, and interests herein conveyed.

INVENTOR grants the attorney of record the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Title of Document: ASSIGNMENT

Re:

Title: Positive-Return Gambling

Filed: (if applicable) November 16, 2000

Serial No.: (if applicable) 09/715,385

This Assignment may be executed in one or more counterparts, each of which shall be deemed an original and all of which may be taken together as one and the same Assignment.

Name and Signature	Date of Signature	Date Declaration Executed By This Person
--------------------	-------------------	---

Nicholas J. Rush

State of \_\_\_\_\_

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_ personally appeared Nicholas J. Rush personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Name and Signature	Date of Signature	Date Declaration Executed By This Person
--------------------	-------------------	---

Jason M. Kapalka

State of \_\_\_\_\_

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_ personally appeared Jason M. Kapalka personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Title of Document: ASSIGNMENT

Re:

Title: Positive-Return Gambling

Filed: (if applicable) November 16, 2000

Serial No.: (if applicable) 09/715,385

Name and Signature	Date of Signature	Date Declaration Executed By This Person
Sukhbir S. Sidhu		

State of \_\_\_\_\_

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_  
personally appeared Sukhbir S. Sidhu personally known to me or proved to me on the  
basis of satisfactory evidence to be the person whose name is subscribed to the within  
instrument and acknowledged to me that he/she executed the same in his/her authorized  
capacity, and that by his/her signature on the instrument the person, or the entity upon behalf  
of which the person acted, executed the instrument.



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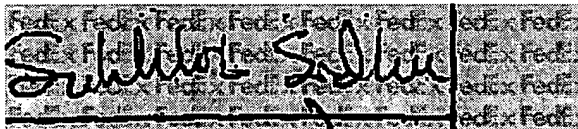
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**Recipient:**

SUKHBIR S SIDHU

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WALNUT CREEK, CA 94596  
US

**Shipper:**

AMIR H RAUBVOGEL  
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